

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>In re:</b>  <b>Richard Cressman</b>  <b>Debtor(s).</b>	: : : : : :	<b>Case No.: 18-10217</b> <b>Chapter 13</b> <b>Judge Ashely M. Chan</b> <b>*****</b>
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**OBJECTION TO DEBTOR'S AMENDED CHAPTER 13 PLAN**

Now comes Wells Fargo Bank, N.A. ("Creditor") by and through its attorneys, Manley Deas Kochalski LLC, and files this Objection to Debtor's Amended Chapter 13 Plan, averring as follows:

1. Creditor is a creditor herein secured by a first mortgage lien upon the Debtor's real estate located at 1400 Fels Rd., Quakertown, PA 18951. Creditor has filed proof of claim number 3 for the subject mortgage loan in the amount of \$164,501.25, and reflecting a pre-petition arrears amount of \$53,969.66.
2. Debtor's Amended Plan proposes to pay a reduced monthly mortgage payment and to have the arrears amount deferred or forgiven by entering into a loan modification with Creditor. However there is currently no approved or pending loan modification agreement between Creditor and Debtor.
3. Creditor requests that the Plan be amended to provide for payments of Creditor's arrears claim and of the regular monthly mortgage payments until such time as a permanent loan modification agreement is completed.
4. Creditor objects to said treatment and asserts that, as of the petition date herein, Creditor's claim was fully secured by value in the real estate. Accordingly, § 1322(b)(2) of the Bankruptcy Code and the United States Supreme Court's holding in Nobleman v.

American Savings Bank (In re: Nobleman), 508 U.S. 324 (1993) prohibit the Debtor's proposed modification of Creditor's mortgage.

WHEREFORE, Creditor respectfully requests the Court to deny confirmation of the Debtor's proposed Amended Chapter 13 Plan.

Respectfully submitted,

/s/ Karina Velter

Karina Velter, Esquire (94781)

Kimberly A. Bonner (89705)

Adam B. Hall (323867)

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Attorneys for Creditor

The case attorney for this file is Karina Velter.

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: **Case No.: 18-10217**  
**Richard Cressman** : **Chapter 13**  
: **Judge Ashely M. Chan**  
**Debtor(s).** : **\*\*\*\*\***

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Objection to Debtor's Amended Chapter 13 Plan was served on the parties listed below via e-mail notification:

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500,  
Philadelphia, PA 19107

William C. Miller, Chapter 13 Trustee, P.O. Box 1229, Philadelphia, PA 19105

Zachary Perlick, Attorney for Richard Cressman, 1420 Walnut Street, Suite 718, Philadelphia,  
PA 19102, Perlick@verizon.net

The below listed parties were served via regular U.S. Mail, postage prepaid, on August 9,  
2018:

Richard Cressman and Phyllis A. Cressman, 1400 Fels Road, Quakertown, PA 18951

Wells Fargo Home Mortgage, PO Box 10335, Des Moines, IA 50306

DATE: 8/9/18

/s/ Karina Velter

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